

**ATTACHMENT 6:**  
Final BZA Conditions of Approval, April 11, 2019

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**REVISED FINAL Cannabis Conditions of Approval – April 11, 2019**

**Date:** April 11, 2019 **File No.:** UPC17-0020  
**Site Address:** 334 Purvine Road, Petaluma **APN:** 022-230-020  
**Applicant/Operator:** Petaluma Hills Farm, LLC., Samuel Magruder  
**Applicant Address:** 34 Page Street, San Francisco, CA 94102  
**Business Owner(s):** Samuel Magruder, Managing Member  
Gian-Paolo Veronese, Managing Member  
Mike Harden, Managing Member  
**Landowner:** Sonoma Hills Farm, LLC., Michael Harden, Managing Member  
**Landowner Address:** 34 Page Street, San Francisco, CA 94102

**Project Description:** Request for a limited term use permit for a commercial cannabis operation, including 8,096 square feet of mixed light cultivation, 2,880 square feet of indoor cultivation, 28,560 square feet of outdoor cultivation, and 4,080 square feet of indoor propagation. On-site processing of site-grown cannabis will occur, consisting of trimming, drying, curing, weighing, and packaging. Indoor cultivation, indoor processing, and outdoor harvesting will occur 7 days per week, 24 hours per day, as needed. Outdoor cultivation activities (except for harvest) will occur 7 days per week but will be limited to daylight hours. Deliveries and shipping operations will be limited to the hours of 8:00 am to 5:00 pm Monday through Friday. The operation will have a maximum of 10 employees. The operation will not be open to the public.

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**Prior to commencing the use, evidence must be submitted to the file that all of the following conditions have been met.**

**FEES:**

1. Permit Processing and Development Fees. This “At Cost” entitlement is not vested until all permit processing costs and development fees are paid in full. No grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
2. CEQA Filing Fee. Within five working days after project approval, the applicant/operator shall pay a mandatory Notice of Determination filing fee of \$2,404.75 (or the latest fee in effect at the time of payment) for County Clerk processing. The fee will be charged against the project At-Cost deposit account and billed to the applicant, unless the applicant requests an alternate payment method, such as a check made out to the Sonoma County Clerk and submitted to Permit Sonoma in advance of the fee due date. NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
3. Workforce Housing. Construction of new or expanded non-residential development shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.



No grading or building permits shall be issued until Workforce Housing Requirements have been met. Internal tenant improvements are not subject to Workforce Housing Requirements.

4. Condition Compliance Fee. At the time of submitting a building permit application, the applicant/operator shall submit to Permit Sonoma an Approved Permit Condition Compliance Review fee deposit of \$2,675.00 (or other amount consistent with the adopted fee schedule in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.
5. Department of Agriculture Annual Site Monitoring Fee. Prior to building permit final or granting of occupancy for the use, the applicant/operator shall submit to Permit Sonoma a Department of Agriculture Annual Site Monitoring Fee of \$900.00 (or other amount consistent with the adopted fee schedule in effect at the time) to verify compliance with the ordinance. The applicant/operator shall be responsible for payment of additional annual site monitoring fees for each year over the effective term of the permit. The annual site monitoring fee shall be paid by January 31 of each year the permitted operation is active.
6. Traffic Mitigation Fee. Prior to building permit final or granting of occupancy for the use, the applicant/operator shall submit to Permit Sonoma a Traffic Mitigation Fee per Chapter 26, Article 98 of the Sonoma County Code. The fee is computed by multiplying project Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance. Evidence of payment shall be submitted to the Permit Sonoma Project Review Planner.

**PLANNING:**

**Contact Permit Sonoma Planning at 707-565-8357**

7. **Type(s) and Limitations of Use:**
  - a. This use permit allows for cannabis cultivation, including associated processing and packaging of cannabis grown on-site only.
  - b. This use permit does not allow public access to the cannabis operation.
  - c. This use permit does not allow any retail sales on-site or the delivery of cannabis to patients or the public.
  - d. If phased construction will occur rather than full buildout of permitted uses, a Phasing Plan shall be submitted for review and approval by Permit Sonoma staff within 90 days of Use Permit approval. At a minimum, the Phasing Plan shall include a floor plan and corresponding table disclosing the following for each room:
    - i. Room identifier/label.
    - ii. Square footage per room.
    - iii. Canopy area per room.
    - iv. Use (e.g., flower, vegetative propagation, processing, distribution).
    - v. Proposed phase and timeline for each phase



**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
[www.PermitSonoma.org](http://www.PermitSonoma.org)



- e. The use shall be operated in accordance with the proposal statement, operational plans, and floor plan located in File No. UPC17-0020 as modified by these conditions.
8. **Propagation Area.** This use permit allows for 4,080 square feet of indoor propagation, 0.00 square feet of mixed light propagation, and 0.00 square feet of outdoor propagation, for a total cannabis propagation canopy area of 4,080 square feet. The operator shall not increase propagation area beyond 4,080 square feet at this location without prior approval from Permit Sonoma staff.
9. **Cultivation Area.** This use permit allows for 2,880 square feet of indoor cultivation, 8,096 square feet of mixed light cultivation, 28,560 square feet of outdoor cultivation, and 0.00 square feet of wholesale nursery cultivation, for a total cannabis cultivation canopy area of 39,536 square feet. The operator shall not increase cultivation area beyond 39,536 square feet at this location without prior approval from Permit Sonoma staff.
10. **Hours of Operation.** Indoor cultivation, indoor processing, and outdoor harvesting operations are allowed to occur 24 hours per day, 7 days a week. Outdoor cultivation activities (except for harvest) are allowed to occur 7 days per week but shall be limited to daylight hours. Deliveries and shipping operations shall be limited to the hours of 8:00 am to 5:00 pm Monday through Friday.
11. **Special Events.** Tastings, promotional activities, and events are prohibited by Sonoma County Code Section 26-88-250(c) and therefore are also prohibited by this Cannabis Use Permit.
12. **Transient Occupancy.** Farm stays, vacation rentals, hosted rentals, and other transient occupancies are prohibited.
13. **Temporary Occupancy Structures.** Tents, yurts, and other temporary structures designed for human habitation are prohibited.
14. **On-Site Manager.** An on-site manager for the cannabis operation shall be required to reside at all times on the premises, and shall provide contact information to all adjacent neighbors.
15. **On-Street Parking.** Parking on Purvine Road is prohibited.
16. **Term of Permit.** This is a limited term permit and does not run with the land. No property interest, vested right, or entitlement to receive a future permit to operate a cannabis use shall ever ensure to the benefit of the permit holder as such permits are revocable and shall expire (Section 26-88-250 (e)). This permit for cannabis uses shall be issued to the operator for a period not to exceed five years from the date of issuance of the Use Permit Certificate and shall be subject to permit renewals. The Use Permit Certificate for UPC17-0020 shall expire five years after issuance, unless the applicant/operator applies for and is granted a permit renewal. The Operator must apply for permit renewal at least 90 days prior to expiration of the Use Permit Certificate to avoid interruption of service.
17. **Two-Year Review.** A review of outdoor cultivation activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first outdoor harvest to determine compliance with the Conditions of Approval applicable to the outdoor cultivation operation, including but not limited to landscape screening, odor control, security, and water use. All annual monitoring reports and incident logs required by the County shall be submitted



in support of this review, including groundwater monitoring reports, odor inspection and complaint logs, and security inspection and incident logs.

The director shall give notice of this Use Permit review and opportunity to submit comments or request a public hearing to all owners of real property within one thousand feet (1,000') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment.

If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation or that outdoor cultivation activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible modification of the Use Permit with regard to the outdoor cultivation activities, which may include elimination of the outdoor cultivation portion of the operation. Any such modification shall be preceded by a public hearing noticed and heard in compliance with Sonoma County Code. The planning director may waive the requirement for a public hearing as provided in Section 26-92-040(d), provided, that subsequent to public noticing procedures pursuant to section 26-92-050, no timely, written, and signed requests for public hearing are received.

If the director determines that no credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation and that outdoor cultivation activities do not constitute a public nuisance, the outdoor cultivation operation shall be extended to the full five-year permit term without a public hearing.

This Use Permit review shall not include any aspects of the original Use Permit approval that do not relate to outdoor cultivation, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.

**18. Operator(s) and Employees:**

- a. The applicant/operator and all employees must be age 21 years or older. This use permit allows for a maximum of 10 employees.
- b. The applicant/operator shall be subject to background search and shall not be able to continue operations if there are any felony convictions, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code.
- c. An applicant/operator providing false or misleading information result in nullification or revocation of this issued use permit.

**19. Ownership changes.** Written notification shall be provided to Permit Sonoma prior to any of the following changes: 1) a new person meeting the definition of cannabis business owner of the permit holder, 2) change in business entity type of the permit holder, 3) change in legal business name of the permit holder, 4) a new person serving as operator of the permit holder, or 5) a new property owner. Supporting documentation shall be submitted to Permit Sonoma within 30 days of any of the aforementioned changes.

**20. Tracking.** The applicant/operator shall comply with any labeling, testing, and track and trace program established by the County and state agencies. The Operator must maintain records



tracking all cannabis production and products and shall make all records related to commercial cannabis activity available to the County upon request.

21. **State Licensing.** The applicant/operator shall be required to obtain a state license and shall comply with any applicable state licensing requirements, such as operational standards and locational criteria.
22. **Occupational Safety.** The applicant/operator shall comply with all federal, state and local laws and regulations governing California Agricultural Employers, which may include but is not limited to: federal and state wage and hour laws, CAL/OSHA, OSHA and the California Agricultural Labor Relations Act.
23. **Security Plan.** The operation shall maintain all aspects of the approved site security plan (held confidentially at Permit Sonoma). This shall, at a minimum, include professionally monitored video surveillance, of which recordings will be kept for at least 30 days, perimeter fencing, controlled access gates, locking doors, lighting, and alarms. Weapons and firearms are prohibited. Cash shall be limited at the location to a minimum needed for the daily operations only and shall be placed in a secure location (e.g., locked drawer, safe, or similar storage cabinet with a locking mechanism).

A log of security incidents shall be kept and an annual report shall be submitted to Permit Sonoma annually by January 1 of each year the permit is active. The reporting shall be provided in a format agreed to by Permit Sonoma staff.

24. **Odor.** The applicant/operator shall install and maintain an odor control air filtration and ventilation system to control humidity and mold and to control off-site odor generated by the cannabis operation. This requirement shall apply to all permanent structures used in the operation, including mixed light greenhouses.

Daily inspections shall be performed by the on-site manager, and shall comply with the approved Odor Control Plan, as modified by these conditions. Inspections shall include verifying that all filtration equipment is functioning properly, checking that filters have been replaced on schedule, and shall include a walking tour through the interior and around the exterior of each cannabis-containing facility to document any noticeable odor (indoor cultivation/ greenhouse, and both processing buildings).

Daily inspections by the on-site manager shall also be conducted of the outdoor cultivation site (when in operation). Outdoor inspections shall be conducted when plant chemistry is most active (dusk or dawn; the actual inspection time shall be noted in the log), and shall note any damage to planted windbreaks that might reduce effectiveness.

A log of inspection results shall be kept and an annual report shall be submitted to Permit Sonoma annually by January 1 of each year the permit is active. Any odor complaints received shall also be documented, along with the complaint resolution and the timeframe required to address the odor issue, and shall also be included in the annual report. The reporting shall be provided in a format agreed to by Permit Sonoma staff.

If verified odor complaints are received, Permit Sonoma staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce odor generation, including use of engineered solutions, such as Vapor-Phase Systems (Fog Systems).



25. **Energy Use.** The applicant/operator shall submit and maintain documentation that the operation utilizes 100% renewable energy sources. Enrollment in the Sonoma Clean Power EverGreen program has been submitted and shall be maintained, unless another 100 percent renewable alternative is proposed. A request to modify energy provider must be submitted to Permit Sonoma and approved prior to making any change in energy service.
26. **Maintenance of On-Site Agricultural Use.** The applicant/operator shall maintain a primary agricultural use on the parcel. Currently, primary agricultural uses include a lease to graze cattle on 25 acres of the property and a lease to grow organic produce for restaurants on 1 acre of the property. Failure to maintain a primary agricultural use shall be considered a violation of this use permit, subject to revocation or modification.
27. **Signage.** The project approval does not include any signage. A separate administrative design review application will be required if any exterior signage is proposed.
28. **Taxes.** Cannabis uses shall be current on applicable Sonoma County Cannabis Business Taxes and any additional taxes enacted by the voters or this permit may be subject to revocation or non-renewal.
29. **Water Efficient Landscaping.** Landscaping plans must comply with the County Water Efficient Landscape Ordinance as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Prior to Building Permit Issuance, a Landscape Plan shall be submitted for review and approval by Permit Sonoma. The approved Plan shall be implemented by the applicant/ operator prior to issuance of the Use Permit Certificate or operation of the use. Verification of implementation shall be required, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
30. **Water Conservation Plan.** A Water Conservation Plan for the building shall be submitted for review and approval by Permit Sonoma. The Plan shall include all reasonably feasible measures to reduce water demand and enhance water resource recovery to the maximum extent feasible. Measures that must be evaluated include: installation of ultra-low-flow fixtures, best available conservation technologies for all water uses, rainwater and stormwater collection systems, and graywater reuse. The approved Water Conservation Plan shall be implemented by the applicant/operator and verified by staff prior to issuance of the Use Permit Certificate or operation of the use.
31. **Greenhouse Gas Reduction Plan.** A Greenhouse Gas Reduction Plan to reduce greenhouse gas emissions in the design, construction, and long-term operations of the project shall be submitted for review and approval by Permit Sonoma. The Greenhouse Gas Reduction Plan shall include all reasonably feasible measures to reduce greenhouse gas emissions to the maximum extent feasible. Measures that must be evaluated include but are not limited to: best available conservation technologies for all energy and water uses; installation of renewable energy facilities to meet demand on-site; provisions of electric vehicle charging stations; bicycle facilities including secure bike parking and lockers and showers for employees; employing best management practices for carbon sequestration, such as no till soils, reduced use of fertilizers, etc. The approved Greenhouse Gas Reduction Plan shall be implemented by the applicant/ operator and verified by staff prior to issuance of the Use Permit Certificate or operation of the use.





32. **Lighting.** All exterior lighting shall be fully shielded and downward casting and shall be located at the lowest possible point to the ground to prevent spill over onto other properties or the night sky. Outdoor security lighting shall have motion-sensors. Total illuminance beyond the property line created by simultaneous operation of all exterior lighting shall not exceed 1.0 lux.
33. **Design Review.** Prior to issuance of building permits, all new structures, lighting, fencing, landscaping, and signage shall require final design review (Permit Sonoma staff or Design Review Committee). All exterior finishes shall be of non-reflective materials and colors and shall be compatible with the surrounding area. Razor wire and similar fencing is not permitted. Prior to Verification of compliance with approved materials and colors, and implementation of landscaping shall be required prior to issuance of the Use Permit Certificate or operation of the use, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
34. **Cultural Resource Protection.** The grading permit shall have the following notes printed on plan sheets prior to issuance:
- "In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and Permit Sonoma Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Permit Sonoma. Permit Sonoma staff may consult with and/or notify the appropriate tribal representative from tribes known to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a Permit Sonoma Project Review staff person and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense."
- "If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."
35. **Use Permit Certificate.** A Use Permit Certificate with these conditions, approved proposal statement, and approved floor plan shall be maintained on site and made available to county officials upon request.



36. **Conformance with Statutes.** This use shall be constructed, maintained, and operated in conformance with applicable county and state statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule, or regulation shall be considered a violation of this use permit, subject to revocation or modification.

**BUILDING:**

**Contact Permit Sonoma Building Plan Check at 707-565-2095**

37. The applicant/operator shall apply for and obtain building related permits from Permit Sonoma for new construction. The necessary applications appear to be, but may not be limited to accessibility report and building permit(s). Construction inspections shall occur and the building permit(s) finalized prior to occupancy of new or remodeled structure(s). A signed Declaration of Use that complies with the associated Use Permit application shall be submitted with the building permit application package.
38. Due to the scope of this commercial project, the California Business & Professions Code requires plans and calculations to be prepared by California licensed design professionals (architects, engineers). Cover sheet of plans shall identify the full scope of work, and shall include an architectural analysis of the proposed project including occupancies of all spaces, areas, area and height limitations, occupant load factors, occupant loads, exit system requirements, emergency egress, fire-rated construction details, fire separation requirements and fixture requirements. All buildings shall comply with prescriptive requirements of all applicable codes, including Energy and CALGreen.
39. In order to determine proper fire separations, the intended occupancies and uses of the facility, and spaces therein shall be clearly stated on the plans; similarly, the approved use and occupancy of the adjacent spaces in the building shall be shown. A detail of the wall assembly separating those spaces shall be shown on the plans. Plans shall include an analysis of proposed occupant load, area and height limitations, emergency egress and fire rated construction details.
40. Application materials shall be consistent with Permit Sonoma's Building/Grading Permit Application Submittal Checklist (Form # CSS-003).
41. All manufacturing uses shall be defined and scoped. All fertilizers, pesticides, corrosives, flammables, explosives and/or toxic materials that may be stored or used at the facility shall be defined, scoped and quantified. A control area analysis shall be provided for any of the above materials exceeding code-prescribed thresholds.
42. Mechanical, electrical and plumbing plans shall be fully detailed. Plumbing system materials used to convey concentrated byproducts of water reuse process equipment shall be identified and detailed from point of inlet to point of discharge. Path of reclaimed condensate systems and associated storage and conveyance equipment shall be identified and detailed.
43. The applicant/operator shall comply with California Building Code section 11B-202.3, which requires that alterations to existing elements or spaces to comply with the accessibility requirements of CBC 11B Division 2. All buildings, structures, sidewalks, curbs, and related facilities, intended for use by the public or employees, shall be accessible to and usable by persons with disabilities. Accessible parking shall be provided for both assigned and unassigned and/or visitor spaces per CBC requirements. Plans shall include details of the path of travel from



accessible parking to the area of alteration. All facilities serving the area of alteration shall be made accessible. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent CBC as determined by the Permit Sonoma Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure. For this purpose, a change of use or occupancy classification is considered to be an alteration.

44. All permanently installed equipment shall be identified in the appropriate section of the mechanical/electrical/plumbing sheets. Product information shall be included to verify installation and use of equipment is consistent with manufacturer's listing and/or recommendations.
45. Prior to any site review or field inspections, any materials or systems that could present a danger to inspectors shall be isolated and secured. All field inspection staff shall be accompanied by personnel familiar with systems and construction capable of describing and controlling equipment.
46. Any structures to be constructed as part of use permit conditions, such as security or sound walls, shall require separate building applications and permits.
47. Per CBC Ch. 10, any racking systems proposed shall be limited in size to allow continuous unobstructed egress from all portions of the room of facility and shall also comply with Chapter 15 of the ASCE 7-10 design standard, specifically Section 15.5.3 for anchorage of racks to meet seismic requirements.

**Natural Resources Geologist:**

**Contact Permit Sonoma Natural Resources at 707-565-1352**

**PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:**

48. Prior to the issuance of any building permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PERMIT SONOMA Project Review staff and County Counsel prior to recordation.

**PRIOR TO OCCUPANCY:**

49. Water well(s) used for cultivation shall be equipped with a meter and sounding tube or other water level sounding device and marked with a measuring reference point.

**OPERATIONAL REQUIREMENTS:**

50. Water meters shall be calibrated and copies of receipts and correction factors shall be submitted to Permit Sonoma staff at least once every five years. Static water level and total quantity of water pumped shall be recorded quarterly and reported annually. Static water level is the depth from ground level to the well water level when the pump is not operating after being turned off. Static water shall be measured by turning the pump off at the end of the working day and recording the water level at the beginning of the following day before turning the pump back on. Groundwater monitoring reports shall be submitted annually to the County



by January 31 of each year. The annual report shall show the location of the well(s) with the groundwater level measuring device and the location of the water meter(s), and shall include a cumulative hydrograph of static water levels and total quarterly quantities of water pumped from well(s) used in the operation.

51. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to Permit Sonoma in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by Permit Sonoma.
52. Prior to building permit final or granting of occupancy or initiation of the use, the County shall verify that the well monitoring equipment has been installed and that the access easement has been recorded. Water meters shall be calibrated and copies of receipts and correction factors shall be submitted to Permit Sonoma staff at least once every five years. In the event that project groundwater use exceeds 2.08 acre-feet per year from the project well, Permit Sonoma staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce water use. In the event that groundwater use exceeds 2.08 acre-feet per year by more than 10 percent, Permit Sonoma staff shall bring this matter back to the Board of Zoning Adjustments to consider whether additional measures to reduce water use are appropriate.

**Grading and Storm Water:**

**Contact Permit Sonoma Grading and Storm Water at 707-565-1352**

53. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
54. A soils engineering report, prepared by a soils engineer, and engineering geology report, prepared by an engineering geologist, shall to be submitted with the grading permit application(s) for the proposed project. The soils engineer and the engineering geologist must be currently registered in the State of California.
55. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD). The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all relevant existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.
56. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design



Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Existing drainage patterns shall be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall not adversely impact adjacent properties or drainage systems.

57. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, limits of disturbed area/total work, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
58. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas/total work, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves. Monofilament netting, including photo- or biodegradable plastic netting shall not be used.
59. Residue or polluted runoff from the outdoor cultivation areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands.
60. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be covered or separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
61. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.



62. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

**FIRE:**

**Contact Fire and Emergency Services at 707-565-2191**

Permitting or development approval is subject to the Sonoma County Fire Safety Ordinance (Sonoma County Code). All applications for development approvals must be approved by the Sonoma County Fire Marshal, and shall be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions:

*(Ref. California Code of Regulations Title-14, Division 1.5, Chapter 7, Subchapter 2, Articles 1 – 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24)*

63. Due to the scope of this project a Fire Services Pre-Construction meeting is required.
64. Prior to initiation of the use, the project shall submit a Fire Prevention Plan demonstrating compliance with the Sonoma County Fire Safety Ordinance (Sonoma County Code), subject to review and approval by the Sonoma County Fire Marshal. The Plan be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions:(Ref. California Code of Regulations Title-14, Division 1.5,Chapter 7, Subchapter 2, Articles 1 - 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24)
65. The subject property (or properties) must be in full compliance with Building Code regulations, Fire Code Regulations and Hazardous Materials regulations prior to occupancy of the building and use of the property.
- a. A fire inspection shall be conducted by the Sonoma County Fire and Emergency Services Department to determine if the subject property (or properties) is currently in full compliance with applicable Building Code regulations, Fire Code Regulations and Hazardous Materials regulations.
  - b. The Sonoma County Fire and Emergency Services Department may charge and collect a fee for the inspection in an amount, as determined by the county, sufficient to pay its costs of that inspection.
  - c. The building (s) shall be fire sprinklered and contain a fire alarm system consistent with the occupancy type. Existing sprinklered or non-sprinklered buildings shall be verified based on design to be in compliance with specific occupancy type.



66. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises the applicant shall provide a technical opinion and report prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The report and opinion shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon. CFC Sec. 104.7.2, CBC Sec. 414.1.3.
67. Where no applicable standards or requirements are set forth within the California Fire Code, the Sonoma County Code, or other laws, codes, regulations, and ordinances adopted by the jurisdiction; compliance with applicable standards of the National Fire Protection Association shall be used in addition to the codes, regulations and ordinances adopted by the jurisdiction to meet the intent of the codes.
68. Site Plan shall indicate any proposed exterior security fencing, personnel gates or vehicular gates. Note exit discharge shall be direct and unobstructed to the public way.

#### **Fire - Operational Permits**

69. Applicable Fire Code operational permits shall be obtained prior to the initiation of any activity where an operational permit is required by the California Fire Code as adopted and amended by Sonoma County Code for Cannabis type operations (CFC Sec. 105.6.50(11)).
  - a. Hazardous material: storing, transporting on site, dispensing, using or handling hazardous materials
  - b. Cannabis type operations
70. An annual fire safety inspection maybe required by the fire code official for any facility requiring a Fire Code Operational Permit. The county or fire district which inspects the facility may charge and collect a fee for the inspection from the owner of the facility in an amount, as determined by the county or fire district, sufficient to pay its costs of that inspection.

#### **Construction Permits**

71. Applicable Fire Code construction permits shall be obtained prior to any construction that would require such permit required by California Fire Code as adopted and amended by Sonoma County Code.
72. The facility operator shall develop an emergency response plan consistent with Chapter 4 of the 2013 California Fire Code as adopted and amended by Sonoma County Code. Fire safety plans, emergency procedures, and employee training programs shall be approved by the fire code official.

#### **Fire - Emergency Planning and Response**

73. A Fire Protection plan shall be provided prior to operation and shall provide information about the property including but not limited to the following. See Chapter 4 of the California Fire Code and <http://sonomacounty.ca.gov/FES/Fire-Prevention/Cannabis/>
  - a. Emergency Contacts
  - b. Address
  - c. Property owner



- d. Fire access roads including gates
- e. Water supplies and hydrants
- f. Location of hazardous materials
- g. Utilities
- h. Floor plans showing intended use of each room/area
- i. Employee training for use of regulated materials in the fire code
  - i. When required by the local fire jurisdiction special processing of cannabis may require the facility to have identified trained staff including a main point of contact to oversee and train employees in the special process.
  - ii. This process shall have onsite training records for review and a manual in address emergencies associated with the special process.(Example is extraction equipment)

#### **Fire - Access**

74. Prior to operation, the applicant/operator shall at a minimum facilitate locating an emergency, avoid delays in response and provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide and unobstructed traffic circulation during an emergency, and shall be constructed and maintained as required by Sonoma County Fire Safe Standards and the California Fire Code. The following shall be approved by the fire code official prior to operation.

- a. All existing roads providing access to new commercial cannabis operations with structures shall be provided with an access road not less than 20 feet in width. Access roads may be allowed to be reduced to 12 feet in width with turnouts as approved by the fire code official.
  - i. This requirement shall apply from the property line of the application to the public right-of-way.
  - ii. This requirement may be waived with written approval by Sonoma County Fire or the Fire Code Official.
- b. All roadways and building shall be identified by approved road signs clearly visible and legible from the roadway and at interchanges, as required by the California Fire Code as adopted and amended by Sonoma County Code, and as required by Sonoma County Fire Safe Standards.

#### **Fire - Water Supply**

75. Emergency water supply for fire protection shall be available and accessible in locations, quantities and delivery rates as specified in the California Fire Code as adopted and amended by Sonoma County Code.

- a. Fire hydrants shall be installed as required by the California Fire Code as adopted and amended by Sonoma County Code.





- b. Emergency water supply for fire suppression may be provided in a naturally occurring or manmade containment structure for projects not served by a municipal water system, as long as the specified quantity and delivery rate is immediately provided.

### **Vegetation Management**

76. On each parcel, building setbacks shall be in compliance with the California Fire Code and California Building Code as adopted and amended by Sonoma County Code, and Sonoma County Fire Safe Standards Section 13-55.

### **Fire - Occupancy**

77. Prior to occupancy, written approval that the required improvements and comments have been addressed and/or corrected shall be provided to Permit Sonoma from the County Fire Marshal/Local Fire Protection District.

### **ENVIRONMENTAL HEALTH (Permit Sonoma):**

**Contact Permit Sonoma Health at (707) 565-1924**

### **PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:**

#### **Water**

78. Prior to building permit issuance and project operation, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of your water tested by a State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation: a. A deed restriction running with the land and acceptable to PRMD and County Counsel notifying subsequent property owners that treatment of the water supply is required as a condition of this Use Permit in order to meet State and Federal MCL's and provide potable water to all plumbing fixtures. b. Proof of a contract with a qualified service provider shall be submitted for routine/diagnostic water testing, monitoring, maintenance, and record keeping of the water supply system. Initial water test results before and after the water treatment device shall be submitted to PRMD Project Review Health Specialist.
79. The project is located within the Petaluma Nitrate Study Area and consequently the water supply well is required to have a 100-foot annular seal, or water intended for human or animal consumption must be treated in compliance with the Sonoma County Well Ordinance (Sec. 25B-8(b)). Prior to issuance of building permits, a treatment plan shall be submitted to the Project Review Health Specialist for review and approval. The Plan shall comply with all requirements of the well ordinance and shall provide a site plan identifying where treatment equipment and treated and non-treated water lines will be located.

Prior to issuance of a Use Permit Certificate or final occupancy, water treatment equipment shall be installed and verified by Permit Sonoma staff.



80. Prior to issuance of a Use Permit Certificate or final occupancy, the applicant shall install appropriate warning signage at all non-potable water access points. Signage shall be dual language or shall include "Do Not Drink the Water" pictographs. Verification of sign installation shall be required, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
81. Prior to issuance of a building permit, the components of the indoor irrigation system shall be proven to be appropriately specific for the intended use and shall comply with the equipment manufacturer's instructions, cautions, and warnings. For the health and safety of employees working in an enclosed greenhouse environment containing high moisture with aerosolized chemicals and microbes, installation and use of the irrigation equipment/components shall adhere to the manufacturer's installation, use, and maintenance instructions. Proof of appropriately specific irrigation system equipment and components shall be submitted to the Project Review Health Specialist.

### **Septic**

82. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources granted in the Revised Use Permit. Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements.
83. Prior to demolition permit issuance the applicant shall abandon existing septic tank(s) under permit and inspection from the PRMD Well and Septic Section. The Project Review Health Specialist shall receive a copy of the "finaled" Abandonment Permit.
84. Toilet facilities shall be provided for employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.

### **Solid Waste**

85. Prior to building permit issuance, the applicant/operator shall submit a design for trash enclosures and recycling areas for review and approval by the Permit Sonoma Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 34-foot turning radius at the trash enclosure and the dumpster must have 14 feet of overhead clearance with an additional 5 feet of clearance (total of 19 feet high) at the location where the bins are tipped.

### **PRIOR TO OCCUPANCY:**

#### **Water**

86. Prior to Occupancy the applicant/operator shall have the water supply system evaluated for



potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2016 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review. If the applicant has been required to do a cross-connection control survey by the California State Water Resources Control Board, Division of Drinking Water, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

87. Prior to occupancy, backflow prevention devices shall be installed on the water supply system as recommended, after concurrence with the hazard evaluation and recommendations for cross connection control report by PRMD. The Project Review Health Specialist shall receive a letter from the Cross Connection Control Specialist stating that backflow prevention has been installed as recommended.

### **Solid Waste**

88. Prior to building occupancy, the applicant shall submit a cannabis solid waste management plan with the compost and trash enclosure design to Sonoma County Environmental Health, Solid Waste/Cannabis programs for review and approval. The Project Review Health Specialist shall receive a clearance letter or e-mail from Sonoma County Environmental Health regarding the project solid waste management plan and compost/trash enclosure design.

### **OPERATIONAL REQUIREMENTS:**

#### **Water**

89. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
90. A safe, potable water supply shall be provided and maintained.

#### **Septic**

91. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
92. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

#### **Noise**

93. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:



TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level.

94. Mitigation Measure NOISE-1 HVAC Unit Sound Wall: A wall for sound attenuation shall be constructed on three sides of the cultivation HVAC unit. The wall shall be constructed of ½ inch thick (at a minimum) plywood and studs; the top of the wall shall extend to a minimum of two feet above the top of the HVAC unit. Solid walls of brick, masonry, or other robust materials are also allowable instead of lumber as long as they attenuate sound to an equal or greater degree.
95. Mitigation Measure NOISE-2 Construction Operation: All plans and specifications or construction plans shall include the following notes:
- a. A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site stating the allowable hours of construction, and including the Coordinator's 24-hour phone number for public contact regarding noise issues. The Coordinator shall investigate all complaints to determine the cause (such as starting too early, faulty muffler, etc.), and shall take prompt action to correct any problem. The Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
  - b. All internal combustion engines used during construction shall be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
  - c. Except for actions taken to prevent an emergency or to deal with an existing emergency, all construction activities (including equipment start-up, operation, servicing, and deliveries) shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on Saturdays. No construction shall occur on Sundays or holidays. If work outside the times specified above becomes necessary, the applicant shall notify the Permit Sonoma staff as soon as practical.
  - d. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.



96. If noise complaints are received from nearby residents, and they appear to be valid complaints, then the applicant/operator shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from Permit Sonoma that a noise complaint has been received. The applicant/operator shall implement any additional Mitigation Measures needed to meet noise standards.

### **Solid Waste**

97. All garbage and refuse on this site shall be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of at a County transfer Station or County Landfill before the end of the seventh day.

### **Smoking**

98. Smoking is prohibited in any public area, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
99. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash can.
100. Smoking or consumption of Cannabis or materials containing Cannabis is prohibited in any work area.

### **SONOMA COUNTY TRANSPORTATION AND PUBLIC WORKS:**

**Contact Transportation & Public Works at 707-565-2231**

### **Right of Way Requirements**

101. The Applicant/Operator shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
- As necessary to create public right-of-way a total of 25 feet wide on the Applicant's side of the road, as measured from the existing pavement centerline, for the full length of the property's frontage on Purvine Road. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
  - To contain all Public drainage facilities.



### Intersections of Roads and Driveways

102. The Applicant/Operator shall construct a driveway entrance that conforms to AASHTO standards and meets the following criteria to allow for the smooth and safe movement of passenger vehicles entering and exiting the public road (Purvine Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer, licensed in the State of California, will be required to prove the driveway (project's entry to Purvine Road) meets these requirements.

- a. A minimum throat width of 24 feet (measured 30 feet from the edge of pavement).
- b. Entrance curves having a minimum pavement radius of 25 feet; the entrance curves shall begin on a line that is 12 feet distant from, and parallel with, the physical centerline of Petaluma Hill Road. A 1:10 pavement taper shall be constructed on both sides of the entrance. Entrance curve radii may be reduced with the approval of the Fire Services Division of the Sonoma County Department of Emergency Services.
- c. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with current AASHTO requirements for the speed traveled on Purvine Road. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway.
- d. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.
- e. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details.
- f. Improvements shall be constructed prior to use of the property for the proposed land entitlement.

103. The Applicant shall construct a stabilized entrance for on-site construction activity to meet the following criteria prior to issuance of building permits:

- a. The entrance shall be of sufficient width to accommodate two-way traffic.
- b. The entrance surface shall be stabilized to prevent tracking of gravel and mud onto the public road.
- c. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with current AASHTO requirements for the speed traveled on the public road(s) providing construction access. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway.



104. The applicant/operator shall not construct, install, or place any monuments and/or signs within the necessary sight distance triangles required to achieve the minimum AASHTO required sight distance at any project entry where it intersects a public roadway.

#### **Emergency Vehicle Access**

105. The Applicant shall locate driveway gates a minimum distance of 30 feet from the edge of the public road traveled way, in accordance with Sonoma County Mandatory Fire Safe Standards, Section 13-38.

#### **Processing**

106. The Applicant shall obtain an Encroachment Permit issued by Permit Sonoma (PRMD) prior to constructing any improvements within County road right-of-way.

#### **MITIGATION MEASURES FROM MND, DATED 3/11/2019, AS AMENDED 4/11/2019:**

107. Mitigation Measure AIR-1 Construction Dust and Air Quality Control:

The following dust and air quality control measures shall be included in the project:

- a. A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site including the Coordinator's 24-hour phone number for public contact regarding dust and air quality complaints. The Coordinator shall respond and take corrective action within 48 hours. The Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
- b. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- c. Trucks hauling soil, sand and other loose materials over public roads shall cover the loads, or shall keep the loads at least two feet below the level of the sides of the container, or shall wet the load sufficiently to prevent dust emissions.
- d. Vehicle speeds on unpaved areas shall be limited to 15 miles per hour.
- e. Final surfacing (i.e., pavement or concrete, gravel, landscaping) shall be completed as soon as possible after earthwork is finished, unless seeding or soil binders are used.
- f. Idling time of diesel-powered construction equipment shall be limited to five minutes. Signs shall be posted reminding workers of this idling restriction at all access points and equipment staging areas during construction of the proposed project.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications and shall have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
- h. Trackout shall not be allowed at any active exit from the project site onto an adjacent paved public roadway or shoulder of a paved public roadway that exceeds cumulative 25 linear feet and creates fugitive dust visible emissions without cleaning up such trackout within 4 hours of when the Construction Coordinator identifies such excessive



trackout, and shall not allow more than 1 quart of trackout to remain on the adjacent paved public roadway or the paved shoulder of the paved public roadway at the end of any workday.

- i. Visible emissions of fugitive dust shall not be allowed during cleanup of any trackout that exceeds 20 percent opacity as determined by the Environmental Protection Agency in *Method 203B - Opacity Determination for Time-Exception Regulations* (August 2017).

Trackout is defined by BAAQMD in Regulation 6, Rule 6: Prohibition of Trackout (August 2018) as any sand, soil, dirt, bulk materials or other solid particles from a site that adhere to or agglomerate on the exterior surfaces of vehicles (including tires), and subsequently fall or are dislodged onto a paved public roadway or the paved shoulder of a paved public roadway on the path that vehicles follow at any exit and extending 50 feet out onto the paved public roadway beyond the boundary of the site. Material that has collected on the roadway from erosion is not trackout.

108. Mitigation Measure AIR-2 Operational Odor Control for Structures: The cannabis cultivation building shall install and maintain an odor control air filtration and ventilation system that controls humidity and mold and ensures there will be no off-site odor from structures. Daily inspections shall be performed by the on-site manager. Inspections shall include verifying that all filtration equipment is functioning properly, checking that filters have been replaced on schedule, and shall include a walking tour through the interior and around the exterior of each cannabis-containing facility to document any noticeable odor (indoor cultivation/ greenhouse, and both processing buildings).
109. Mitigation Measure AIR-3 Operational Odor Control for Outdoor Cultivation: In the event that multiple verified odor complaints are received, Permit Sonoma staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce outdoor odor generation, including use of engineered solutions such as Vapor-Phase Systems (Fog Systems).
110. Mitigation Measure BIO-1 Amphibian Pre-Construction Survey(s): Pre-construction surveys shall be performed within 24 hours of initiation of project activities (including initial ground disturbing activities). Any small mammal burrows found shall be protected with a 30-foot buffer and exclusion fencing placed around the construction site. Any small mammal burrows found shall be protected with a 30-foot buffer and exclusion fencing placed around the construction site. No construction activities shall occur during rain events, defined as ¼ inches of rain falling within a 24-hour period; however, construction activities may resume 24 hours after the end of the rain event. Prior to construction, all workers on the crew shall be trained by a qualified biologist as to the sensitivity of special-status species potentially occurring in the project area. If any special status amphibians are encountered during the surveys, all work in the area shall be placed on hold while findings are reported to state and federal regulatory agencies, and it is determined what, if any, further actions must be followed to prevent possible take of the species.
111. Mitigation Measure BIO-2 Roosting Bat Pre-Construction Survey(s): If initial ground disturbance or building demolition occurs during the bat maternity roosting season (May 1 through August 31), a qualified biologist shall conduct a bat roost assessment of trees and structures within 100 feet of the construction site. Surveys shall be conducted immediately prior to construction





(within 1 to 2 days). Surveys shall be conducted immediately prior to construction (within 1 to 2 days). If the biologist determines there is potential for maternity roosting bats to be present within 100 feet of the project site, nighttime emergence surveys shall be performed to determine if maternity roosting bats are present. If bat maternity roosts are present, the biologist shall establish an appropriate exclusion zone around the maternity roost. Once all young have become independent of the roost, construction may take place in the former exclusion zone.

112. Mitigation Measure BIO-3 Nesting Bird Pre-Construction Survey(s): If initial ground disturbance or vegetation removal occurs during the breeding season (February 1 through August 31), a qualified biologist shall conduct a breeding bird survey no more than 14 days prior to ground disturbance to determine if any birds are nesting in underground burrows or dens, or in trees on or adjacent to the project site. If active nests are found close enough to the project site to affect breeding success, the biologist shall establish an appropriate exclusion zone around the nest. This exclusion zone may be modified depending on the species, nest location, and existing visual buffers, but typically would entail a minimum of 500 feet for raptor species and 300 feet for other migratory species. Once all young have become independent of the nest, vegetation removal and grading may take place in the former exclusion zone. If initial ground disturbance is delayed or there is a break in project activities of more than 14 days within the bird-nesting season, then a follow-up nesting bird survey shall be performed to ensure no nests have been established in the interim. If a burrowing owl or occupied burrow is found, CDFW will be contacted to determine the appropriate mitigation measure to avoid impacts on the species, which may include relocating the owl or burrow to a safe location.
113. Mitigation Measure BIO-4 American Badger Pre-Construction Survey: If initial ground disturbance or vegetation removal occurs during the badger breeding season (February through May), a qualified biologist shall conduct a badger survey prior to construction activities. This survey could be conducted concurrently with preconstruction nesting bird surveys conducted within the same time period. If a badger or its den is found, CDFW will be contacted to determine the appropriate mitigation measure to avoid impacts on the species, which may include relocating the badger or den to a safe location.
114. Mitigation Measure BIO-5 Pre-Construction Rare Plant Survey: If initial ground disturbance occurs during the blooming period of congested-headed hayfield tarplant (May-November), a qualified biologist shall conduct a pre-construction survey of the disturbance area prior to construction activities. If the plant is found, CDFW will be contacted to determine the appropriate mitigation measure to avoid impacts on the species, which may include collection and redistribution of the seedbank.
115. Mitigation Measure CUL-1 Archive or Salvage Building Materials: Prior to demolition of any structures, the applicant shall inventory the architectural elements to re-use on site or donate to the Sonoma County Historical Society or other appropriate archival facility. Any associated artifacts or other architectural elements that are feasible to archive or store shall be salvaged. The associated artifact or architectural element shall be carefully removed and properly stored for reuse or delivered to the archive facility in good condition to be used in future conservation work.

116. Mitigation Measure CUL-2 Interpretive Display: The applicant shall work with the Sonoma County Historical Society or the Petaluma Historical Library and Museum in developing an interpretive display about the Collings family history and chicken farming on the property that can be displayed on site. This could include a film documentation, historical photographs, and/or an oral history with interviews conducted by a professional oral historian with Walter Collings.
117. Mitigation Measure CUL-3 Archaeological Monitoring: A qualified Archaeological Monitor shall be present onsite during all initial grading and ground disturbance activities, including any vegetation removal or grubbing. Monitoring shall continue until, in the Archaeological Monitor's judgment, cultural resources are not likely to be encountered.

If archaeological materials are encountered during ground-disturbing activities, all work within 25 feet of the discovery shall be halted until the archaeologist assesses the finds, consults with the appropriate individuals and agencies, and makes recommendations for the treatment of the discovery. Upon completion of the assessment, the archaeologist shall prepare a report to document the methods and results of the assessment. The report shall be submitted to Permit Sonoma and the NWIC upon completion of the project.

**GENERAL:**

118. Any proposed modification, alteration, and/or expansion of the use authorized by this use permit shall require the prior review and approval of Permit Sonoma or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified use permit and additional environmental review, if warranted.
119. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to Permit Sonoma demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma, and shall not affect the original permit approval date or the term for expiration of the permit.
120. This permit may be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
121. In any case where a use permit has not been used (as evidenced by issuance of a Use Permit Certificate to operate) within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void



and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

